United Nations S/2000/372

Security Council

Distr.: General
2 May 2000

Original: English

Letter dated 28 April 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have the honour to forward, enclosed herewith, the position paper of the Government of the Federal Republic of Yugoslavia on the intention of the United Nations Interim Administration Mission in Kosovo (UNMIK) to conduct a voter registration and local elections in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, in the present circumstances (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanović**
Chargé d'affaires a.i.

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Annex to the letter dated 28 April 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

Position paper (registration, local elections)

It is indisputable that free, democratic and fair elections including voter registration can be carried out only if the necessary conditions are established and implementation of Security Council resolution 1244 (1999) is secured and essentially achieved. Elections everywhere in the world are part of the State system and organization. This implies that prior to any elections an agreement should be reached as to the definition of the organs to be elected as well as their position and powers within the system. In other words, basic elements of a political settlement for Kosovo and Metohija should be reached in accordance with the principles and substance of Security Council resolution 1244 (1999) and its related documents (annexes), through dialogue between duly authorized representatives.

Free and fair elections rule out a state of occupation, fear, threat, terror and lack of freedom and require the respect and implementation of the laws of the Republic of Serbia and the Federal Republic of Yugoslavia, in line with the guarantees of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, contained in Security Council resolution 1244 (1999).

Free and fair elections require the prior establishment of lasting public order and peace and the rule of law, freedom of movement, free access to the population of humanitarian organizations as well as equality of all citizens and their full personal and property safety. Furthermore, there is a need to ensure conditions for a free and safe return of refugees and displaced persons. A prerequisite for holding the elections is the return of at least two thirds of the refugees and displaced persons of the total number of each ethnic community, which constitutes in practice a precondition for the preservation of the multi-ethnic, multi-confessional and multicultural character of Kosovo and Metohija. Rushing to stage elections and civil registration should in no way divert attention from the appalling situation and the dramatic security deterioration in Kosovo and Metohija, from the daily crimes committed by the terrorists of the so-called KLA, breach of the obligation by the international presences of disarming, demilitarizing and dismantling this terrorist organization, as well as from the ethnic cleansing of Serbs, Montenegrins and other non-Albanian population and the overall chaotic situation in the Province.

The Federal Republic of Yugoslavia resolutely rejects any attempt of advocating or holding elections in the Province until all necessary conditions are created — above all, firm peace and stability, in accordance with Security Council resolution 1244 (1999).

This implies:

- The respect of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and its legal order, in accordance with unambiguous provisions of Security Council resolution 1244 (1999) and the related documents;
- Unimpeded and safe return of all expelled Serbs and other non-Albanian population;

- Full personal and property security of the entire population of Kosovo and Metohija;
- Preservation of the multi-ethnic and multi-confessional character of the Province;
- Harmonization of the fundamental political parameters of a political solution for Kosovo and Metohija, together with the Government of the Federal Republic of Yugoslavia, as well as organizing and conduct of elections in accordance with the existing legislation of the Republic of Serbia and the Federal Republic of Yugoslavia.

The respect of the sovereignty and territorial integrity, as well as of the legal order of the Federal Republic of Yugoslavia, implies that the registration of the population in Kosovo and Metohija be conducted on the basis of the existing legislation and with the direct and active participation of the Republic of Serbia and the Federal Republic of Yugoslavia.

The registration of population, i.e., the creation of voters' lists, also has to be based on the regulations of the Federal Republic of Yugoslavia and be carried out by its competent authorities and not by an "interim administration", which has a time-limited and political mandate.

Tc be legitimate, the elections have to be based on the constitutional-legal system of the Republic of Serbia and of the Federal Republic of Yugoslavia. If these preconditions are not ensured, they would be unconstitutional and it would enable the Province to continue with the process of separation from the Republic of Serbia and the Federal Republic of Yugoslavia, contrary to Security Council resolution 1244 (1999).

In conditions of continued terror and the final stages of ethnic cleansing of Serbs and other non-Albanian population from the Province, the lack of conditions for the return of more than 350,000 expelled persons and the illegal presence of 250,000 foreign nationals in Kosovo and Metohija, it is evident that no necessary preconditions exist for the registration of population in the context of the preparations for elections. To ignore the above facts and the insistence of the Organization for Security and Cooperation in Europe and the United Nations Interim Administration Mission in Kosovo on conducting the registration in the prevailing conditions represents an attempt to impose a policy of fait accompli, to legalize the results of ethnic cleansing and further destabilize the Province in line with the separatist aspirations of the Albanian extremists. Verbal insistence on the alleged need to prepare well for the elections and the need for all refugee and expelled Serbs and non-Albanians to take part in them is an evident attempt to legitimize these attempts.

The Federal Republic of Yugoslavia and the Republic of Serbia cannot be a cover or a front to legalize activities contrary to Security Council resolution 1244 (1999). Therefore, the activities concerning the registration of the population in the Province, not carried out on the basis of the laws of the Federal Republic of Yugoslavia and the Republic of Serbia, cannot be legal or binding.

28 April 2000.